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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,889	12/28/2001	Robert Rudy	30313/37742	1603

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EXAMINER

WILLETT, STEPHAN F

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,889

Applicant(s)

RUDY ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10, 13, 19, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Kill question" is unclear. Claim 10 recites "eliminating the at least one insurance carrier associated with the predetermined kill question" is unclear since all carriers are associated with the questions.
3. Claim 10 recites the limitation "the predetermined kill question" instead of a "predetermined kill question". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-6, 10-14, 18-21, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Callen with Patent Number 6,556,976.

1. Regarding claim(s) 1, 10, 19, 25, Callen teaches a network to select an insurance carrier. Callen teaches Internet components, col. 6, lines 34-37. Callen teaches a web page generator first to prompt for STC and zip codes, col. 7, lines 29-34; col. 8, line 49; col. 10, line 21. Callen teaches a second page including a kill question, col. 7, lines 53-55. Callen teaches an insurance carrier, col. 1, lines 60-63 determination module based on the above customer inputs, col. 7, lines 58-63. Callen teaches a selector to select a kill question or information related to a carrier, col. 10, lines 8-21. Callen teaches generating a customized application based on the carrier, col. 10, lines 24-25. Callen teaches eliminating carriers based on client selections, col. 7, lines 61-62.

2. Regarding claim(s) 2, 12-13, 20, Callen teaches a web page generator to determine a plurality of insurance related products, col. 7, lines 64-67 and eliminating carriers based on client selections, col. 7, lines 61-62.

3. Regarding claim(s) 3, Callen teaches a web page generator to receive a product selection and select a candidate insurance carrier, col. 8, lines 28-33 col. 10, lines 35-44.

4. Regarding claim(s) 4, Callen teaches a web page generator to receive client application data and transmit it to an insurance carrier, col. 11, lines 1-3.

5. Regarding claim(s) 5, 14, 21, Callen teaches a web page generator to receive a quote and transmit it to the client col. 10, lines 30-31, 34-35.

6. Regarding claim(s) 6, Callen teaches translating a quote into another format, col. 10, lines 29-30 and other formats, col. 12. lines 46-55.

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7. Regarding claim(s) 11, Callen teaches further customizing an application based on answers, col. 17. lines 53-55.
8. Regarding claim(s) 18, Callen teaches email notification with a hyperlink, col. 10. lines 35-37.

Claim Rejections - 35 USC § 103

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-9, 15-17, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callen with Patent Number 6,556,976.

12. Regarding claims 7-9, 15-17, 22-24, the Callen patent discloses the method of the preceding claims. The Callen patent does not explicitly disclose converting quotes from fax, PDF and RTF to text data. However, Official Notice is taken MPEP 2144.03 (a)) that converting

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various formats to text is well known in the art to insure user friendly software is able to communicate. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to convert data from a specific format to text to obtain the advantages of communicating with compatible software. By the above rational, the claim is rejected.

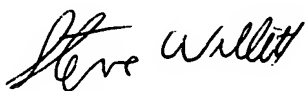
Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Ryan et al. reference with Patent Number 6,684,189 is suggested. The other references cited teach numerous other ways to select insurance carriers on-line, thus a close review of them is suggested.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



Stephan Willett

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Patent Examiner

March 31, 2005